

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(e)4 & 1.27(d)) - - FOREIGN NON PROFIT ORGANIZATION**

Docket No. 4121-104

Applicants: **Otto Pastyr, Wolfgang Schlegel, Karl-Heinz Hover and Wolfgang Maier-Borst**

Title: **"CONTOUR COLLIMATOR FOR RADIOTHERAPY"**

Filing Date: **March 27, 1998** (EXPRESS MAIL FILING UNDER 37 CFR 1.10)

I hereby declare that I am:

- ☐ the owner of the foreign non-profit organization identified below:  
☒ an official of the foreign non-profit organization empowered to act on behalf of the concern identified

below:

NAME OF NON-PROFIT ORGANIZATION: **Deutsches Krebsforschungszentrum Stiftung Des  
Offentlichen Rechts**

ADDRESS OF NON-PROFIT ORGANIZATION: **Im Neuenheimer Feld 280, D-69120  
Heidelberg**

I hereby declare that the above identified foreign non-profit organization qualifies as a non-profit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees to the United States Patent and Trademark Office.

I hereby aver that exclusive rights under contract or law have been conveyed to and remain with the foreign non-profit organization identified above with regard to the invention described in:

- ☒ The United States patent application filed with the title as listed above, based on  
international patent application number PCT/DE96/01892 filed October 1, 1996 (35 U.S.C. §371).  
☐ Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_  
☐ U.S. Patent No. \_\_\_\_\_ Issued \_\_\_\_\_

If the rights held by the above-identified non-profit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities, and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a non-profit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.  
☐ Each such person, concern or organization is listed below:

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at any time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING **Prof.Dr. med.Dr.h.c.mult.H.zur Hausen** **Dr.rer.pol. J. Puchta**

TITLE OF PERSON IF OTHER THAN OWNER **Chairman a. Scient. Member of the Board** **Adm.Member of the Board**  
**Eichenstr.** **Eichenweg 1**

ADDRESS OF PERSON SIGNING **69483 Waldmichelbach** **69198 Schriesheim**

SIGNATURE **[Signature]** DATE **April 22, 1998**

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## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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**Application:** United States Patent Application No. 09/043,951 filed March 27, 1998 in the United States Patent and Trademark Office as a Designated/Elected Office (DO/EO/US) under the provisions of 35 USC §371, based on PCT international application no. PCT/DE96/01892 filed on October 1, 1996, and claiming priority of German patent application no. 195 36 804.5 filed October 2, 1995.

As the below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "CONTOUR COLLIMATOR FOR RADIOTHERAPY," described and claimed in the above-identified United States Patent Application filed in the United States Patent and Trademark Office under the provisions of 35 USC §371.

I hereby state that I have reviewed and understand the contents of the above-identified international application and United States patent application based thereon, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office information which is material to the examination of this United States patent application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate on the invention listed below which were filed within one year prior to the above-identified international patent application:

Prior Foreign Application(s)

195 36 804.5	Germany	2 October 1995	Yes
(Number)	(Country)	(Day/Month/Year Filed)	(Priority Claimed?)

I have also identified below any foreign application(s) for patent or inventor's certificate on the invention having a filing date more than one year before the filing date of the above-identified international patent application, or before the filing date of the above-identified foreign patent application from which priority is claimed:

none

(Number)	(Country)	(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this specification is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code

of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

none

<u>(Application Number)</u>	<u>(Filing Date)</u>	<u>(Status-Patented, Pending, abandoned)</u>
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I hereby declare that all rights in the subject matter and invention of the above-identified United States Patent Application fully reside in Deutsches Krebsforschungszentrum Stiftung Des Offentlichen Rechts, Im Neuenheimer Feld 280, D-69120 Heidelberg, Germany and that a confirmatory Assignment executed by all below-named inventors is being concurrently submitted for recordation in the United States Patent and Trademark Office.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**STEVEN J. HULTQUIST, REG. NO. 28,021**  
**WILLIAM A. BARRETT, REG. NO. 42,296**

All correspondence in connection with this application should be sent to:

Steven J. Hultquist  
Intellectual Property/Technology Law  
P. O. Box 14329  
Research Triangle Park, NC 27709  
Telephone: (919) 419-9350

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole or first inventor : Otto Pastyr <sup>1-w</sup>  
 Inventor's Signature *Otto Pastyr* Date 8.5.98  
 Residence: Mannheimer Weg 6, D-69181 Laimen, Germany <sup>DEX</sup>  
 Citizenship: German  
 Post Office Address: \_\_\_\_\_

Full Name of second inventor : Wolfgang Schlegel <sup>2-w</sup>  
 Inventor's Signature *Wolfgang Schlegel* Date \_\_\_\_\_  
 Residence: Bachstrasse 29, D-69120 Heidelberg, Germany <sup>DEX</sup>  
 Citizenship: German  
 Post Office Address: \_\_\_\_\_

Full Name of second inventor : **Karl-Heinz Hover** <sup>3rd</sup>

Inventor's Signature *Karl-Heinz Hover*

Date \_\_\_\_\_

Residence: Talblick 21, D-74889 Sinsheim, Germany

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Citizenship: German

Post Office Address: \_\_\_\_\_

Full Name of second inventor : **Wolfgang Maier-Borst** <sup>4th</sup>

Inventor's Signature *Dr. Wolfgang Maier-Borst*

Date 08.05.1998

Residence: Schlüsselweg 5, D-69221 Dossenheim, Germany

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Citizenship: German

Post Office Address: \_\_\_\_\_